1943 **File No.** Fees Procedure 43

Legal Deptt.

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C **BRANCH**

Subject:— Procedure in connection with the Bills received from other Govt officers for fees to be paid to special Counsels engaged by them

P.10/E

Fees Procedure/43

File No.

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C O N T E N T S

Legal Department
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Sr. No.	Compilation No.	Subject	Pages
	Fees Procedure/43	Procedure in connection with the Bills received from other Government officers for fees to be paid to Special Counsels engaged by them.	
1.	R.I.No.1737 dt. 1-3-43. G.R.L.D.No.3596 dt. 17-5-43.	Enhanced fees - payment of - to Shri A.C.Angadi District Public Prosecutor Bijapur.	1-19.

(1)

No. 124 of 1943.
18-2-1943.

From,

A.C.Angadi Esqr. B.A.LL.B.
District Public Prosecuter, Bijapur.

To

The Remembrancer of Legal Affairs,

Bombay.

Subject :- Application for enhanced fees under rule 26 of Law Officers Rules in respect of Sessions case No. 31 of 1942 (Emperor Vs. Panchappa Hakkapakki and 13 others of Kerur) relating to the murder of Mr. S.V.Ghatnatti Sub-Inspector of Police which was disposed by court of Session Bijapur on 17-2-1943.

Sir,

I have the honour to bring to your notice that I conducted the above case inthe court of session for 21 days between 11th January and 17-2-1943. 50 Witnesses were examined in this case in the court of Session on behalf of the Prosecution. The 14 accused were then examined. Then 5 witnesses were examined on behalf of the defence.

The accused were defended by 2 senior and one junior pleaders of this place; and Mr. Nariman from Bombay and one out of the two senior pleaders of this place argued the case on behalf of the Defence. I argued the case on behalf of the prosecution.

Out of the 14 accused, 6 were acquitted; the remaining 8 accused were convicted under section 148 and section 326 both read with section 149 of the Penal Code. One of these was also convicted under section 411 of the Penal Code. Thus 8 of the accused persons were sentenced to undergo various terms of imprisonment.

I have submitted herewith a copy of the judgment and a certificate of the dates of attendance in court.

(2) This was a case of unusual importance. On 22-3-42, at 4-30 P.M., one constable Hanmdas was assaulted while he was on Motor duty by more than 12 persons; thereafter some of these and others caused the death of Mr. Ghatnatti Sub-Inspector at about 7-45 P.M. and then some

P.T.O.

of these and others obstructed the Head constable and Police constables when they went to sent wires to their Superior Officers at about 11 P.M. There were 3 different offences and after investigation 3 different cases were sent up by the Police. The first of thes ended in the conviction of 12 persons and as four more were then absconding their trial is still awaited. The second was the offence of murder and this was the subject matter of the trial in the case in question, and as stated above, 8 out of the 14 accused were convicted under section 148 and section 326 both read with section 149 and one of them was further convicted under section 411 of the Penal Code. The third case is still pending in the court of Sub-Divisional Magistrate.

(3). This was a case of unusual importance and I conducted it with marked industry & ability. I therefore request you to move Government to sanction enhanced fees of Rs. 36/- per day in respect of these 21 days.

I have drawn fee at the rate of Rs. 12/- per day for the days I conducted this and other cases in the month of January; and if Government is pleased to sanction enhanced fees in respect of these 21 days in question which include 14 days of my attendance in this case in January as well, I will hereafter draw in respect of these 14 days the excess amount to the extent of enhanced fees that the Government may be pleased to sanction and I will drawn in respect of the remaining 7 days in the month of February the amount of enhanced fees that the Government may be pleased to sanction.

Your obedient servant,

Sd/-
District Public Prosecutor,
Bijapur.

Submitted respectfully through the Sessions Judge, Bijapur and District Magistrate, Bijapur.

No. 448.
Sessions Court, Bijapur.
23rd February 1943.

Forwarded wi[illegible]

Forwarded with compliments.

The Kerur case was a heavy and complicated one. Mr. Angadi conducted the case with marked industry Industry and ability and in the opinion of the undersigned he deserves enhanced fees at the rate of Rs. 30 per diem.

Sd/-

SESSIONS JUDGE.

Bombay. Submitted to the Remembrancer of Legal Affairs,

2. The District Magistrate fully agrees with the Sessions Judge and the Public Prosecuter deserves fees at the rate of Rs.30/- day and may kindly be sanctioned.

Sd/-
District Magistratr, Bijapur.

This is to certify that Mr. A.C.Angadi LL.B. Public Prosecutor, Bijapur has conducted the Sessions case case No. 51/42 on behalf of prosecution on dates shown below:-

Date.	No. of Days.
11-1-1943.	1.
12-1-1943.	1.
13-1-1943.	1.
15-1-1943.	1.
18-1-1943.	1.
19-1-1943.	1.
20-1-1943.	1.
21-1-1943.	1.
25-1-1943.	1.
26-1-1943.	1.
27-1-1943.	1.
28-1-1943.	1.
29-1-1943.	1.
30-1-1943.	1.
1- 2-1943.	1.
2-2-1943.	1.
4-2-1943.	1.
5-2-1943.	1.
6-2-1943.	1.
8-2-1943.	1.
9-2-1943.	1.
Total	21 days.

He has conducted the above mentioned case for twenty-one days only in my court.

K.V.G/21-5

4c.

Sessions Court,
Bijapur.

Sd/-
Sessions Judge.

R.I.No. 1737.
1-3-43.

Submitted.

2. This is an application for enhanced fees at the rate of Rs. 36/- per day from the Public Prosecutor, Bijapur for conducting Sessions case No. 31 of 1942 (Emp. vs. Ponchappa Hakkapakki and 13 others) for 21 days in the Court of Sessions Judge, Bijapur.

3. The P.P. states that 50 witnesses were examined on behalf of the Prosecution and five on behalf of the defence. The accused were defended by two senior and one junior pleaders. The P.P. further states that the case was of unusual importance and had to be conducted with marked industry and ability.

4. The Sessions Judge states that this was a heavy and complicated case and Mr. Angadi conducted it with marked industry and ability and in his opinion the P.P. deserves enhanced fees at the rate of Rs. 30/- per day.

5. The D.M. fully agrees with the Sessions Judge and states that the P.P. deserves fees at the rate of Rs. 30/- per day.

6. The recommendations of the local officers may be accepted and a fee of Rs. 30/- per day for 21 days may be sanctioned to the P.P. under rule 26 of the Law Officers (C. of S.) Rules after u.r. to the F.D.

7. The judgment in the case is put up below

Sd/- 9/3/43

Supdt. 10/3

A.L.R. I think the full amount of 36. The P.P. of Belgaum should for [illegible] think in another long case

P.T.O.

of Rs. 50/- was sanctioned. This matter of special fees seems very arbitrary. It seems unnecessary to reduce the figures of the more modest PSP's

Sd/- 10/3

D.S. Sd/- 11/3

K.V.G./21-3

4C.

(6)
(7)

FINANCE DEPARTMENT.

The fee ordinarily admissible is Rs. 18/- per. diem as the case was heavy and complicated, it is proposed to sanction an enhanced fee of Rs. 36/- per diem.

2. No scale has been laid down in L.O.(C of S.) Rule 26 for sanctioning enhanced fees. It is not stated on what basis it is proposed to sanction or fee at double the usual rates. All murder cases are complicated and it does not seem necessary to sanction fee at the rate of Rs. 36/- per diem. We may suggest that a fee of Rs. 30/- per diem. may be allowed in this case.

3. It may be noted that cases for sanction of enhanced fees are ensuing not infrequently. The amount of enhanced fee proposed is recommended in a some what arbitrary way. It would perhaps be better of the rates of increase as the usual rates are laid down; e.g. 25% increase in cases involving much labour 50% in cases involving marked industry and so on. If approved we may request the L.D. to take up this question in consultation with F.D. Even though it is not necessary to fix exact rates, some guiding principles for sanctioning enhanced fees are quite necessary.

I think it is necessary to special fees on some sort of lines proposed above, as the ordinary fees of Rs.18/- per diem should be sufficient for the most Sessions Cases, special fees regarding theordinary fees by 100% should, it is ~~suggested~~ suggested be an exception to be sanctioned in extremely complicated and un usual cases. I would also suggest that in the majority of cases in special fees increase an ordinary fee may be limited to 50%. In this case, as proposed as para 2 9 of the other notice - a special fee at an rate of Rs. 30/- per diem may be sanctioned.

Sd/- _____
16/3/43.

Submitted.

P.T.O.

Submitted.

(8)
(12)

2. Please see A.L.R's note dated 10-3-43 in which a fee of Rs. 36/- as claimed by the P.P. Bijapur was recommended to be sanctioned. The Dy. Secy. F.D. has reduced the figure to Rs. 30/- as recommended by the local officers. Perhaps the F.D. is reduction may be accepted.

3. The D.S. F.D. also suggests that it is necessary to base special fees on some sort of lines as proposed in para3. of F.D. office note dt. 15-3-43. He thinks that ordinary fees of Rs 18/- P.d. should be sufficient for the most Sessions Cases; spl. fees exceeding the ordinary fees by 100% should bean exception to be sanctioned in exclusively complicated and unusual cases. He also suggest that in the majority of cases for spl. fees increase over ordinary fee may be limited to 50%.

4. It is for consideration whether any action to amend rule 26 of L.O.(C. of S.) Rules as suggested by Dy. Secy. F.D. should be taken up in hand.

Sd/- 15/4/43

Super.
16/4

ALR I am in agreement with D.S.F.D. that section of the increased fees ought to be on more systematic lines. But I think the system proposed is too niggardly, be mechanical. In every small proportion of the total number of cases increased fees asked. --- I have the impression that P.P. on the wrong do not ask more than once or twice a year. If there is an increase at present it has to be remembered that there is a large general increase in Sessions Cases throughout the Presidency. For the the cost of lining has gone up while it is true that there has been no increase in the higher salaries of Govt. salaries, little generosity to P.P. would not be misplaced at the present time when the P.P. have a large lost to play in the maintenance of law of order. Further the P.P. are men of some standing and independence of spirit.

S F.D.

A demand for special fees in one case is often felt by the P.P. to be the reward of a hard shell of work extend extending our several weeks or months. A drastic reduction in the fees asked for would only exagerate. I do not think that any system so mechanical as F.D. proposes would be advisable. Further in the case of criminal appeals argued by the P.P. in court the work is often very concentrated and does not properly represent the amount of case and of time the P.P. has expended. For such cases the system proposed would not be suitable.

I do not think any saving in money requires to be affected, particularly at the present time. There is a need I think to equalise the increased fees between the P.P. who ask. Some ask for very high fees. Practically always they are reduced perhaps they might be reduced a bit more. Some ask for more modest increases usually they are reduced too by the District Officers. It seems that there reductions are often automatic. If the L.D. chooses to restore the amount asked for, surely F.D. ought to accept L.D's recommendation in preference to the D.M. or S.J.S. The District Officers work in the dark, so far as this is concerned. They always reduce a little. It is L.D. who can hold the balance between the different P.P.s.

My idea of system is that (1) increases should be have equally divided between P.P. (2) That if one P.P. asks more than once in a year, his case should be most vigourously considered (3) that special considerations given appeal cases. In some such lines the matter may be made more systematic. A mechanical rule or a rule devised merely to some money is out of place when dealing with P.P., startling though that proposition may sound in R

Rs. 30/- may be accepted in the present case but L.D. should not be held to concede that the District Officers recommendation can only be revised downward s.

This is no question of a rule. It is not a matter

P.T.O.

for a rule in my office. opinion.

Sd/- 10/4

D.S. A may be seen first.

As regards th general question, I agree with A.L.R. and shall examine the statistics prepared by office at pp. 131819 in that connection afterwards.

Sd/- 1/5

I agree with A.L.R. Through the R.L.A. of enhanced fees requires to be dealt with a on more systematic lines we should see that whether arrangement is arrived at gives a fair or reasonable to Parties.

Sd/- 5/5

K.V.G./[illegible]1-5

4C.

for a rule in my office. opinion.

Sd/- 10/4

D.S. A may be some first.

As regards th general question, I agree with A.L.R. and shall examine the statistics prepared by office at pp. 131819 in that connection afterwards.

Sd/- 1/5

I agree with A.L.R. Through the
M.L.A. of enhanced fees requires to be dealt with on more systematic lines we should see that whether arrangement is arrived at gives a fair or reasonable to P.P.

Sd/- 5/5

K.V.G./[illegible]-5
4C.